

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 2024-022769-CA-01

Judge Fajardo Orshan, Ariana

KP INVESTMENTS MIAMI, LLC

Plaintiff,

v.

MARIO MIRABAL,

Defendant.

DEFENDANT'S EMERGENCY MOTION TO STAY MARCH 27, 2025 HEARING AND ALL
PROCEEDINGS PENDING APPELLATE REVIEW

COMES NOW the Defendant, MARIO MIRABAL, pro se, and respectfully moves this Court to STAY the hearing scheduled for March 27, 2025, and all further proceedings in this action pending the resolution of appellate jurisdiction now vested in the U.S. Court of Appeals for the Eleventh Circuit. In support thereof, Defendant states:

This action was removed to federal court as Case No. 1:25-cv-20747-JEM (Judge Jose E. Martinez), then remanded to this Court.

Defendant has appealed the federal remand order to the U.S. Court of Appeals for the Eleventh Circuit, where it is now docketed as Case No. 25-10862.

The federal appellate court now has exclusive jurisdiction over the question of subject matter

jurisdiction and the propriety of the remand.

KP Investments Miami, LLC has simultaneously initiated proceedings in state court that would result in potentially irreparable harm to Defendant's homestead while the validity of jurisdiction is under active federal review.

Allowing the March 27 hearing to proceed would conflict with well-established federalism principles and risk conflicting rulings between courts.

Furthermore, Defendant's federal adversary proceeding concerning this property is pending in the U.S. District Court for the Southern District of Florida, and unresolved matters regarding KP Investments' standing may render this ejectment action moot.

WHEREFORE, Defendant respectfully requests an immediate stay of the March 27, 2025 hearing and all other state proceedings pending the outcome of Eleventh Circuit Court of Appeals Case No. 25-10862 and federal proceedings relating to this dispute.

Respectfully submitted,

Mario Mirabal

Pro Se Defendant

[Address]

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